

**SENT VIA EMAIL**

August 13, 2015

Paul Kelly, President  
San Jose Police Officers' Association (POA)  
1151 North Fourth Street  
San Jose, CA 95112

**RE: POA MOA Negotiations**

Dear Paul:

As you know, in order to address the retention and recruitment issues in the San Jose Police Department (SJPd), beginning April 2015, the City and the POA began meeting as part of a global settlement on all issues, the Measure B pension reform issues as well as on a successor Memorandum of Agreement (MOA).

We believe that the City and the POA have made significant progress in these discussions, including reaching a Tentative Agreement (along with IAFF Local 230) on an Alternative Pension Reform Settlement Framework. The City and the POA have also discussed the following proposals which would be included in the Tentative Agreement on a successor MOA:

- Community policing, including the designation of 18 positions in "hot spots" (high gang/crime districts) that will have a one year shift change and "Coffee-with-a-Cop" events;
- The implementation of the overtime staffing plan to assist the SJPd until staffing levels are increased;
- Agreement to meet and confer on issues related to outsourcing/civilianization during the term of the successor MOA;
- Increases to education reimbursement;
- Increase bilingual pay to 2.5% of top step Police Officer pay;
- Staffing during Super Bowl 50 to allow flexibility in staffing and scheduling for the two weeks leading up to the Super Bowl and on game day;
- Agreement that the Chief of Police or designee may require employees to attend an initial screening session with the Employee Assistance Program;
- Language changes to the paychecks provision to remove outdated language;
- Agreement to meet and confer regarding physical examinations if there are changes in the funding, structure, or staffing of Employee Health Services;
- The addition of grandparent to the sick leave provision;
- Agreement to continue discussions on Article 39/Exempt Officer Program, including increasing the number of exempt officer positions while discussions continue, and on the Patrol Staffing Retention Plan;
- Agreement to proceed with a ballot measure in 2016 to add provisions concerning voter approval, no retroactive increases and actuarial soundness with respect to defined benefit pensions and any other provision as mutually agreed to; and

- Various reopeners

Additionally, in acknowledgement of the current recruitment and retention issues in the SJPD, the City worked with the POA on the following wage increases as part of successor MOA:

- **5% Retention Bonus:** In recognition of the recruitment and retention issues in the SJPD, full-time employees holding positions in classifications assigned to the POA shall receive a one-time non-pensionable retention bonus equivalent to approximately 5% of an employee's base pay, split into two equal payments totaling 5%. The first one-time lump sum non-pensionable retention bonus shall be paid in September 2015, and the second one-time lump sum non-pensionable retention bonus shall be paid in December 2015.

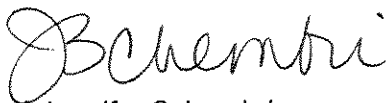
Former full-time employees who previously held positions in classifications assigned to POA **and** who are rehired into a position in a classification assigned to POA between June 21, 2015, and December 31, 2016, shall also be eligible to receive this one-time non-pensionable retention bonus of approximately 5% of the employee's base pay as of their hire date.

Given concerns about the retention of our officers, this retention bonus is contingent on an employee being continuously employed in a POA represented position through the term of the successor MOA – December 31, 2016. If an employee represented by the POA separates from the City prior to January 1, 2017, the employee forfeits the retention bonus and will be required to reimburse the City for the entire amount of the bonus received.

- **4% Retention Premium Pay:** Effective January 2016, employees represented by the POA shall receive an approximate 4% non-pensionable ongoing retention premium pay. This payment is not pensionable.
- **4% General Wage Increase:** Effective Fiscal Year 2016-2017, employees represented by the POA shall receive an approximate 4% general wage increase, which is pensionable and ongoing. This will result in the top and bottom of the salary ranges of classifications represented by the POA increasing by approximately 4%.

The funding of these costs will be outlined in a council memo once a tentative agreement is reached. The City appreciates the significant amount of time and effort the POA has committed to these discussions, and we look forward to your continued dedication to reaching an agreement on a successor MOA. We will be sending you shortly tentative agreement documents reflecting these terms.

Sincerely,



Jennifer Schembri  
Director of Employee Relations

- c: Norberto Dueñas, City Manager  
Edgardo Garcia, Assistant Police Chief  
Charles Sakai, City's Labor Consultant  
James Gonzalez, SJPOA Vice President  
Gregg Adam, SJPOA Counsel